

REFERENCE TITLE: **wildlife conservation special plates**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2232

Introduced by
Representatives Weiers JP: Montenegro, Patterson

AN ACT

AMENDING SECTIONS 28-2351, 28-2403, 28-2405, 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2433; RELATING TO WILDLIFE CONSERVATION SPECIAL PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for
6 each vehicle registered. At the request of the owner and on payment of any
7 required fee, the department shall provide either one or two license plates
8 for a vehicle for which a special plate is requested pursuant to this
9 chapter, except that the department shall provide one license plate if the
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle
12 and to the owner of the vehicle and the name of this state, which may be
13 abbreviated. The director shall coat the license plate with a reflective
14 material that is consistent with the determination of the license plate
15 commission established by section 28-2405 regarding the color and design of
16 license plates and special plates as prescribed by section 28-2405. The
17 director shall design the license plate and the letters and numerals on the
18 license plate to be of sufficient size to be plainly readable during daylight
19 from a distance of one hundred feet. In addition to the standard license
20 plate issued for a trailer before August 12, 2005, the director shall issue a
21 license plate for trailers that has a design that is similar to the standard
22 size license plate for trailers but that is the same size as the license
23 plate for motorcycles. The trailer owner shall notify the department which
24 size license plate the owner wants for the trailer.

25 C. Notwithstanding any other law, the department shall not contract
26 with a nongovernmental entity to purchase or secure reflective material for
27 the plates issued by the department unless the department has made a
28 reasonable effort to secure qualified bids or proposals from as many
29 individual responsible respondents as possible.

30 D. The license plate commission established by section 28-2405 shall
31 determine the color and design of the license plate. All other plates issued
32 by the department, except the plates issued pursuant to sections 28-2412,
33 28-2413, 28-2414, 28-2416 through ~~28-2432~~ 28-2433, 28-2452, 28-2453, 28-2454
34 and 28-2455 and article 14 of this chapter, shall be the same color as and
35 similar in design to the license plate as determined by the commission.

36 E. A passenger motor vehicle rented without a driver shall receive the
37 same type of license plate as issued for a private passenger motor vehicle.

38 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:

39 28-2403. Special plates; transfers; violation; classification

40 A. Except as otherwise provided in this article, the department shall
41 issue or renew special plates in lieu of the regular license plates pursuant
42 to the following conditions and procedures and only if the requirements
43 prescribed by this article for the requested special plates are met:

44 1. Except as provided in section 28-2416, a person who is the
45 registered owner of a vehicle registered with the department or who applies
46 for an original or renewal registration of a vehicle may submit to the

department a completed application form as prescribed by the department with the fee prescribed by section 28-2402 for special plates in addition to the registration fee prescribed by section 28-2003.

2. Except for plates issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through ~~28-2432~~ 28-2433, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, the special plates shall be the same color as and similar to the design of the regular license plates that is determined by the license plate commission pursuant to section 28-2351.

3. Except as provided in section 28-2416, the department shall issue special plates only to the owner or lessee of a vehicle that is currently registered, including any vehicle that has a declared gross weight, as defined in section 28-5431, of twenty-six thousand pounds or less.

4. Except as provided in section 28-2416, the department shall charge the fee prescribed by section 28-2402 for each annual renewal of special plates in addition to the registration fee prescribed by section 28-2003.

B. Except as provided in section 28-2416, on notification to the department and on payment of the transfer fee prescribed by section 28-2402, a person who is issued special plates may transfer the special plates to another vehicle the person owns or leases. Persons who are issued special plates for hearing impaired persons pursuant to section 28-2408 and international symbol of access special plates pursuant to section 28-2409 are exempt from the transfer fee. If a person who is issued special plates sells, trades or otherwise releases ownership of the vehicle on which the plates have been displayed, the person shall immediately report the transfer of the plates to the department or the person shall surrender the plates to the department as prescribed by the director. It is unlawful for a person to whom the plates have been issued to knowingly permit them to be displayed on a vehicle except the vehicle authorized by the department.

C. The special plates shall be affixed to the vehicle for which registration is sought in lieu of the regular license plates.

D. A person is guilty of a class 3 misdemeanor who:

1. Violates subsection B of this section.

2. Fraudulently gives false or fictitious information in the application for or renewal of special plates or placards issued pursuant to this article.

3. Conceals a material fact or otherwise commits fraud in the application for or renewal of special plates or placards issued pursuant to this article.

Sec. 3. Section 28-2405, Arizona Revised Statutes, is amended to read: 28-2405. License plate commission

A. A license plate commission is established. The commission is composed of the following members:

1. Two public members who are appointed by the director of the department of transportation.

2. A person who is appointed by the governor from the governor's office of highway safety and who serves at the pleasure of the governor.

1 3. The director of the department of public safety or the director's
2 designee.

3 4. The director of the department of transportation or the director's
4 designee.

5 5. The director of the office of tourism or the director's designee.

6 6. The director of the state department of corrections or the
7 director's designee.

8 B. The director of the department of transportation or the director's
9 designee shall serve as chairman of the commission. The chairman shall
10 preside at commission meetings and coordinate the activities of the
11 commission and staff implementation of commission actions.

12 C. All official actions of the commission shall be decided by a
13 majority vote of commission members.

14 D. The commission shall determine the following:

15 1. The color and design of license plates.

16 2. The color of special plates to be the same as and the design of
17 special plates to be similar to the license plates, except for special plates
18 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through
19 ~~28-2432~~ 28-2433, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this
20 chapter.

21 3. Whether to authorize special organization plates pursuant to
22 section 28-2404.

23 4. The indicia for special organization plates issued pursuant to
24 section 28-2404.

25 E. The department shall provide the commission with staff and
26 technical assistance as necessary to perform its functions.

27 F. Commission members are not eligible to receive compensation, but
28 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of
29 this section are eligible for reimbursement of expenses pursuant to title 38,
30 chapter 4, article 2.

31 Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
32 amended by adding section 28-2433, to read:

33 28-2433. Wildlife conservation special plates

34 A. IF, BY DECEMBER 31, 2009, THIRTY-TWO THOUSAND DOLLARS IS PAID TO
35 THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL
36 ISSUE WILDLIFE CONSERVATION SPECIAL PLATES. THE ENTITY THAT PROVIDES THE
37 THIRTY-TWO THOUSAND DOLLARS SHALL DESIGN THE WILDLIFE CONSERVATION SPECIAL
38 PLATES. THE DESIGN AND COLOR OF THE WILDLIFE CONSERVATION SPECIAL PLATES ARE
39 SUBJECT TO THE APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST
40 FOR WILDLIFE CONSERVATION SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR
41 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE
42 REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE
43 FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
44 THE WILDLIFE CONSERVATION SPECIAL PLATES.

B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS SECTION IN THE WILDLIFE CONSERVATION SPECIAL PLATE FUND ESTABLISHED BY SUBSECTION D OF THIS SECTION.

D. THE WILDLIFE CONSERVATION SPECIAL PLATE FUND IS ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL ADMINISTER THE FUND. NOT MORE THAN TEN PER CENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE DIRECTOR SHALL ANNUALLY ALLOCATE ALL MONIES FROM THE FUND, EXCLUDING ADMINISTRATIVE FEES, TO THE ENTITY THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT PURSUANT TO SUBSECTION A OF THIS SECTION. THE MONIES SHALL BE USED FOR HABITAT IMPROVEMENT OR RESTORATION AND WILDLIFE CONSERVATION RELATED PROGRAMS.

E. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

Sec. 5. Section 28-6501, Arizona Revised Statutes, is amended to read:

28-6501. Definition of highway user revenues

In this article, unless the context otherwise requires or except as otherwise provided by statute, "highway user revenues" means all monies received in this state from licenses, taxes, penalties, interest and fees authorized by the following:

1. Chapters 2, 7, 8 and 15 of this title, except for:

(a) The special plate administration fees prescribed in sections 28-2404, 28-2412 through ~~28-2432~~ 28-2433 and 28-2514.

(b) The donations prescribed in sections 28-2404, 28-2412 through 28-2415, 28-2417 through ~~28-2432~~ 28-2433, 28-2453, 28-2454 and 28-2455.

2. Section 28-1177.

3. Chapters 10 and 11 of this title.

4. Chapter 16, articles 1, 2 and 4 of this title, except as provided in sections 28-5926 and 28-5927.

Sec. 6. Section 28-6991, Arizona Revised Statutes, is amended to read:

28-6991. State highway fund; sources

A state highway fund is established that consists of:

1. Monies distributed from the Arizona highway user revenue fund pursuant to chapter 18 of this title.

2. Monies appropriated by the legislature.

3. Monies received from donations for the construction, improvement or maintenance of state highways or bridges. These monies shall be credited to a special account and shall be spent only for the purpose indicated by the donor.

1 4. Monies received from counties under cooperative agreements,
2 including proceeds from bond issues. The state treasurer shall deposit these
3 monies to the credit of the fund in a special account on delivery to the
4 treasurer of a concise written agreement between the department and the
5 county stating the purposes for which the monies are surrendered by the
6 county, and these monies shall be spent only as stated in the agreement.

7 5. Monies received from the United States under an act of Congress to
8 provide aid for the construction of rural post roads, but monies received on
9 projects for which the monies necessary to be provided by this state are
10 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
11 shall be allotted by the department and deposited by the state treasurer in
12 the special account within the fund established for each project. On
13 completion of the project, on the satisfaction and discharge in full of all
14 obligations of any kind created and on request of the department, the
15 treasurer shall transfer the unexpended balance in the special account for
16 the project into the state highway fund, and the unexpended balance and any
17 further federal aid thereafter received on account of the project may be
18 spent under the general provisions of this title.

19 6. Monies in the custody of an officer or agent of this state from any
20 source that is to be used for the construction, improvement or maintenance of
21 state highways or bridges.

22 7. Monies deposited in the state general fund and arising from the
23 disposal of state personal property belonging to the department.

24 8. Receipts from the sale or disposal of any or all other property
25 held by the department and purchased with state highway monies.

26 9. Monies generated pursuant to section 28-410.

27 10. Monies distributed pursuant to section 28-5808, subsection B,
28 paragraph 2, subdivision (d).

29 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

30 12. Except as provided in section 28-5101, the following monies:

31 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
32 subsection B, paragraph 2, subdivision (e).

33 (b) One dollar of each registration fee and one dollar of each title
34 fee collected pursuant to section 28-2003.

35 (c) Two dollars of each late registration penalty collected by the
36 director pursuant to section 28-2162.

37 (d) The air quality compliance fee collected pursuant to section
38 49-542.

39 (e) The special plate administration fees collected pursuant to
40 sections 28-2404, 28-2412 through ~~28-2432~~ 28-2433 and 28-2514.

41 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
42 if the director is the registering officer.

43 13. Monies deposited pursuant to chapter 5, article 5 of this title.

44 14. Donations received pursuant to section 28-2269.

45 15. Dealer and registration monies collected pursuant to section
46 28-4304.

1 16. Abandoned vehicle administration monies deposited pursuant to
2 section 28-4804.

3 17. Monies deposited pursuant to section 28-710, subsection D,
4 paragraph 2.

5 18. Monies deposited pursuant to section 28-2065.

6 19. Donations deposited pursuant to section 28-2430.

7 20. Monies deposited pursuant to section 28-7311.

8 Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:

9 28-6993. State highway fund; authorized uses

10 A. Except as provided in subsection B of this section and section
11 28-6538, the state highway fund shall be used for any of the following
12 purposes in strict conformity with and subject to the budget as provided by
13 this section and by sections 28-6997 through 28-7003:

14 1. To pay salaries, wages, necessary travel expenses and other
15 expenses of officers and employees of the department and the incidental
16 office expenses, including telegraph, telephone, postal and express charges
17 and printing, stationery and advertising expenses.

18 2. To pay for both:

19 (a) Equipment, supplies, machines, tools, department offices and
20 laboratories established by the department.

21 (b) The construction and repair of buildings or yards of the
22 department.

23 3. To pay the cost of both:

24 (a) Engineering, construction, improvement and maintenance of state
25 highways and parts of highways forming state routes.

26 (b) Highways under cooperative agreements with the United States that
27 are entered into pursuant to this chapter and an act of Congress providing
28 for the construction of rural post roads.

29 4. To pay land damages incurred by reason of establishing, opening,
30 altering, relocating, widening or abandoning portions of a state route or
31 state highway.

32 5. To reimburse the department revolving account.

33 6. To pay premiums on authorized indemnity bonds and on compensation
34 insurance under the workers' compensation act.

35 7. To defray lawful expenses and costs required to administer and
36 carry out the intent, purposes and provisions of this title, including
37 repayment of obligations entered into pursuant to this title, payment of
38 interest on obligations entered into pursuant to this title, repayment of
39 loans and other financial assistance, including repayment of advances and
40 interest on advances made to the department pursuant to section 28-7677, and
41 payment of all other obligations and expenses of the board and department
42 pursuant to chapter 21 of this title.

43 8. To pay lawful bills and charges incurred by the state engineer.

44 9. To acquire, construct or improve entry roads to state parks or
45 roads within state parks.

46 10. To acquire, construct or improve entry roads to state prisons.

1 11. To pay the cost of relocating a utility facility pursuant to
2 section 28-7156.

3 12. For the purposes provided in subsections C, D and E of this section
4 and sections 28-1143, 28-2353 and 28-3003.

5 B. For each fiscal year, the department of transportation shall
6 allocate and transfer monies in the state highway fund to the department of
7 public safety for funding a portion of highway patrol costs in eight
8 installments in each of the first eight months of a fiscal year that do not
9 exceed ten million dollars.

10 C. Subject to legislative appropriation, the department may use the
11 monies in the state highway fund as prescribed in section 28-6991, paragraph
12 12 to carry out the duties imposed by this title for registration or titling
13 of vehicles, to operate joint title, registration and driver licensing
14 offices, to cover the administrative costs of issuing the air quality
15 compliance sticker, modifying the year validating tab and issuing the
16 windshield sticker and to cover expenses and costs in issuing special plates
17 pursuant to sections 28-2404, 28-2412 through ~~28-2432~~ 28-2433 and 28-2514.

18 D. The department shall use monies deposited in the state highway fund
19 pursuant to chapter 5, article 5 of this title only as prescribed by that
20 article.

21 E. Monies deposited in the state highway fund pursuant to section
22 28-2269 shall be used only as prescribed by that section.

23 F. Monies deposited in the state highway fund pursuant to section
24 28-710, subsection D, paragraph 2 shall only be used for state highway work
25 zone traffic control devices.

26 G. The department may exchange monies distributed to the state highway
27 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
28 government surface transportation program federal monies suballocated to
29 councils of government and metropolitan planning organizations if the local
30 government scheduled to receive the federal monies concurs. An exchange of
31 state highway fund monies pursuant to this subsection shall be in an amount
32 that is at least equal to ninety per cent of the federal obligation authority
33 that exists in the project for which the exchange is proposed.

34 Sec. 8. Legislative intent

35 The legislature intends that the monies in the wildlife conservation
36 special plate fund established by section 28-2433, Arizona Revised Statutes,
37 as added by this act, be distributed to the wildlife conservation
38 organization that is receiving monies from the wildlife conservation special
39 organization plate issued pursuant to section 28-2404, Arizona Revised
40 Statutes.